

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,

No. CR 05-00167 WHA

Plaintiff,

v.

ORDER RE FORT JOINDER

EDGAR DIAZ, RICKEY ROLLINS,
DON JOHNSON, ROBERT CALLOWAY,
DORNELL ELLIS, EMILE FORT,
CHRISTOPHER BYES, PARIS
RAGLAND, RONNIE CALLOWAY,
ALLEN CALLOWAY, and REDACTED
DEFENDANTS Nos. ONE & TWO,

Defendants.

Defendant Emile Fort submitted a document, Clarification of Joinder Status, in which he purported to join the following motions:

- Motion for Disclosure of Grand Jury Testimony Pursuant to Federal Rule of Criminal Procedure Rule 6(e)(1)(E)(I) and 6(e)(1)(E)(ii), made by defendant Edgar Diaz;
- Motion for Disclosure of Ministerial Grand Jury Records, made by Edgar Diaz;
- Motion for Order Allowing Inspection and Copying of Jury Records, made by Don Johnson;
- Motion to Preserve All Notes Taken By Law Enforcement Officers and All Physical Evidence Seized, Processed or Examined by Federal, State and Local Agencies, made by Don Johnson.

1 The Clarification of Joinder Status was filed June 29, 2006, the day after the hearings on
2 the motions and, of course, after the government had filed its opposition. Normally, this would
3 be enough to strike the entire joinder. Defendant Fort, however, will be allowed to join two of
4 the motions for the following reasons. He may join the Motion for Disclosure of Ministerial
5 Grand Jury Records, made by Edgar Diaz, because it was filed with the notation that it was
6 made on behalf of all defendants. The government therefore was on notice that Fort was joining
7 and had an opportunity to respond to any facts particular to him. Defendant Fort may also join
8 the Motion for an Order Allowing Inspection and Copying of Jury Records, made by Don
9 Johnson, because the government stated in its opposition that the motion was made on
10 defendant Fort's behalf. Because the government responded to the motion as if Fort had joined
11 it, it is not prejudiced by a recognition now that he joined the motion. Defendant Fort, however,
12 cannot join the Motion to Preserve All Notes Taken By Law Enforcement Officers and All
13 Physical Evidence Seized, Processed or Examined by Federal, State and Local Agencies, made
14 by Don Johnson, or the Motion for Disclosure of Grand Jury Testimony Pursuant to Federal
15 Rule of Criminal Procedure Rule 6(e)(1)(E)(I) and 6(e)(1)(E)(ii), made by defendant Edgar
16 Diaz.

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18 **IT IS SO ORDERED.**

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20 Dated: July 5, 2006



WILLIAM ALSUP
UNITED STATES DISTRICT JUDGE